

PROCEDURES FOR WELL WAIVERS

EXISTING CONSTRUCTION ONLY

For **existing** construction over one-year old a request for a waiver of the minimum distance requirements from the well to a potential source of pollution is required if it is less than that allowed by HUD Handbook 4910.1.

The handbook allows for a lesser distance from the well to the following sources of pollution if there is an impervious strata of clay, hardpan or rock:

- soil-poisoned area (25 to 15 feet)
- drainfield (100 to 50 feet)

The DE Underwriter may accept these lesser distances with the proper supporting documentation (evidence that the ground surface is effectively separated by an impervious strata, a professional drawing, and a 'clear' water test), which must be placed into the case binder. In these instances a request for waiver is not required.

Additionally, Mortgagee Letter 2002-25 allows for a lesser distance from the well to drainfield (100 to 75 feet) provided it is acceptable with the state/local distance requirements and well to lot line provided that the well is not within 10 feet of any roadway or the property line of other than a single family residential property, i.e., the well cannot be within 10 feet of a commercial, industrial or multifamily building.

The HOC will accept for review, on a case-by-case basis, waiver requests on existing construction, if these distances are acceptable to the local governing entity, in which the distance from the well to the:

- soil-poisoned area is less than 15 feet;
- septic tank is less than 50 feet; or
- septic drainfield is less than 50 feet.

If the DE underwriter determines that there is adequate justification to request a waiver of the minimum distance(s), he/she must forward a written request to the HOC with the appropriate exhibits enclosed.

Procedures

- Waivers are only granted on **existing** construction. The HOC will not accept any request for waivers on new construction. New construction is defined as any property which is proposed, under construction or existing less than one year.
- The following is required to be included in a request for waiver:
 - Appraisal. The appraisal should indicate that the property is located on a well and/or septic and that public utilities are not available.

Note: If public utilities are available, the lender must determine if connection is feasible (HUD HB 4150.2). If not, include the reasons with the request for waiver.

- Survey or professional drawing with all notations. The professional drawing must indicate the distance from the subject well to the septic tank, lot-line, septic drainfield and chemically poisoned soil on the subject site as well as all adjacent, adjoining and contiguous sites. If there are no improvements on the neighboring lots, the notation of "vacant" on the drawing is adequate.
- A letter from the utility company acknowledging the well will not hinder their normal operations, if the well is located in an utility easement.
- Evidence that the ground surface is effectively separated by an impervious strata. This may be supported by a well driller's log or acceptable substitute. Acceptable substitutes are a subsurface evaluation letter from either the local Water Management District or Health Department or a letter from a qualified well installer provided it clearly shows data which would otherwise have been revealed by the well driller's log. The underwriter must insure the well driller's log (or acceptable substitute) denotes an apparent impervious strata. **If this information is not available, the property is NOT eligible for HUD/FHA mortgage insurance.**
- Well water test in accordance with the latest local and State drinking water regulations for private wells. This includes all microbiological and chemical test parameters in the regulation.
 - If there are no local or adequate State requirements then the maximum contaminant levels established by the Environmental Protection Agency (EPA) will apply.
- Evidence from the county health department of acceptance of the well in relation to the soil poisoned area, septic tank and septic drainfield.
- Termite report (well to soil-poisoned area)

References:

- HUD Handbook 4150.2, page 3-10
- HUD Handbook 4910.1, Chg. 1, Appendix K, page K-22
- 24 CFR 200.926d (f)(3)
- Mortgagee Letter 2005-48
- Mortgagee Letter 2002-25